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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,482	02/17/2004	Richard B. Parlante	03-5438	1539
39820	7590	10/28/2005	EXAMINER	
EDWARD M. LIVINGSTON, PA 963 TRAIL TERRACE DRIVE NAPLES, FL 34103			MAH, CHUCK Y	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/780,482	PARLANTE, RICHARD B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chuck Mah	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '782 in view of Meldeau (5,353,440).

FR discloses the invention as claimed but does not show a strap having an adjuster. '440 teaches a strap (38) having an adjuster (44) to adjust the length of the strap as it is brought around the wrist. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the strap of FR with a strap having an adjuster as taught by '440 for adjusting the length of the strap.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '782 and Meldeau '440 as applied to claims above, and further in view of Tomita (6,491,285).

FR discloses the invention as claimed but for forming the grip member with steel and a plastic coating. '285 teaches a handle grip component made of aluminum, stainless steel, bronze, titanium and other suitable metal to enhance strength and durability. The handle component is coated with a plastic finish to prevent abrasion

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(col. 5, lines 3-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the grip member of FR with steel and a plastic coating as taught by '285 to enhance durability of the grip member.

4. Claims 1, 4-7, 9-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeko (4,487,412) in view of Meldeau '440.

'412 discloses the invention as claimed but for the strap with two ends and an adjuster on one end. '440 teaches a strap (38) having two ends and an adjuster (44) to adjust the length of the strap as it is brought around the wrist. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the strap with two ends and an adjuster as taught by '440 for adjusting the length of the strap to fit the wrist of different users.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeko '412 and Meldeau '440 as applied to claims above, and further in view of Tomita '285.

'412 discloses the invention as claimed but for forming the grip member with steel and a plastic coating. '285 teaches a handle grip component made of aluminum, stainless steel, bronze, titanium and other suitable metal to enhance strength and durability. The handle component is coated with a plastic finish to prevent abrasion (col. 5, lines 3-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the grip member of '412 with steel and a plastic coating as taught by '285 to enhance durability of the grip member.

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6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeko '412 and Meldeau '440 as applied to claims above, and further in view of Graham (6,824,182) or Hansen et al. (5,772,118).

'412 discloses the grip as claimed but for placing the handle of a shopping bag or of a briefcase into the grip. '182 teaches a grip member for carrying shopping bags, briefcases and any other bags with handles to eliminate the amount of stress that is placed directly on the fingers and hand. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the grip of '412 to carry shopping bags or briefcase as taught by '182 to eliminate stress on the fingers and hand.

As to claim 13, Hansen et al. '118 teaches using the grip to carry a luggage handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend the use of the grip to carry a luggage as taught by '118 to reduce the stress on the fingers and hand.

### ***Response to Arguments***

7. Applicant's arguments filed August 31, 2005 have been fully considered but they are not persuasive. Applicant's primary argument is based on intended use rather than unobviousness. First, a "hook" can always be considered substantially U-shaped. Second, in one hand it may be true that the French patent has to use fingers to retain an object. But, in the other hand, the French patent may not need to use fingers. It depends upon the positioning of the hand and the device. This is certainly true for the use of the invention as well. Further, examiner agrees that the French patent has no

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adjuster. However, the rejection is based on a combination of references. Finally, it is immaterial whether the tightening device is being called as a strap or a wrist band. The strap and the wrist band are structurally and functionally equivalent. And, attaching the strap about the wrist without completely encircling the wrist or completely around the wrist is simply an intended use. Note that intended use is given no patentable weight.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

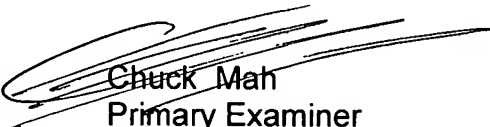
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571)272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah  
Primary Examiner  
Art Unit 3676

CM